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IN THE UNITED STATES PATENT AND  
TRADEMARK OFFICE

Applicant: ANTHONY R. ROTHSCHILD  
Serial No.: 09/755,541  
Filed: JANUARY 5, 2001  
Title: SYSTEM AND METHOD FOR ADDING  
AN ADVERTISEMENT TO A  
PERSONAL COMMUNICATION

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DECLARATION OF SAMIR ARMALY

I, Samir Armaly, declare and state:

1. I previously worked as an attorney at O'Melveny & Myers LLP ("O'Melveny"), where I represented numerous clients, including Anthony Rothschild. I make this Declaration pursuant to 37 C.F.R. § 1.131, and to the best of my recollection after reviewing materials provided to me (e.g., time entries) by Mr. Rothschild's current attorneys from the relevant time period. I currently do not represent Mr. Rothschild, nor do I have any ownership interest in his pending patent application (i.e., System and Method for Adding an Advertisement to a Personal Communication).

2. Prior to August 6, 1999, Mr. Rothschild hired O'Melveny to prepare and file a provisional patent application on his invention (i.e., system and method for adding an advertisement to a personal communication). I spoke to Mr. Rothschild via telephone on or about July 14, 1999. During that telephone call, we discussed his invention and the preparation of a provisional

1 patent application directed to his invention.


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3 3. On August 6, 1999, I had a large backlog of matters from other  
4 clients that I had to work on before I could start working on Mr. Rothschild's  
5 provisional patent application. For example, during the months of August,  
6 September and October, 1999, I worked on several litigation-related matters  
7 and I prepared and/or filed at least eight patent applications. Because  
8 communications concerning these matters are subject to the attorney-client  
9 privilege and/or the work product doctrine, they are not attached to this  
10 declaration.

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12 4. On or about Friday, November 5, 1999, I started working on Mr.  
13 Rothschild's provisional patent application. I continued working on the  
14 application during the following week, and sent a first draft of the application to  
15 Mr. Rothschild on or about November 10, 1999.

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17 5. During the next two months, I had several communications (e.g.,  
18 telephone calls, etc.) with Mr. Rothschild concerning his application, and I  
19 made several revisions to his application. For example, I had a communication  
20 with Mr. Rothschild concerning the application on or about November 12,  
21 1999. Pursuant to that communication, I revised the application on or about  
22 November 16 and 23, 1999. I also had communications with Mr. Rothschild  
23 concerning the revised application on or about December 2 and 9, 1999.  
24 Pursuant to those communications, I further revised the application on or about  
25 January 4, 2000. I filed the provisional patent application with the United  
26 States Patent and Trademark Office on January 6, 2000. Because these  
27 communications and revisions are subject to the attorney-client privilege and/or  
28 the work product doctrine, they are not attached to this declaration.

6. From August 6, 1999 to January 6, 2000 (*i.e.*, the critical period), I was reasonably diligent in preparing/filing Mr. Rothschild's provisional patent application, and in constructively reducing his invention (*i.e.*, system and method for adding an advertisement to a personal communication) to practice.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 16th date of April 2008, at Los Angeles, California.

  
Samir Armaly